



January 30, 2004

## HOUSE BILL No. 1350

DIGEST OF HB 1350 (Updated January 29, 2004 10:56 am - DI 77)

**Citations Affected:** IC 16-18; IC 16-46; noncode.

**Synopsis:** Certification of health care interpreters. Creates the commission on health care interpreters and translators. Provides that the commission is staffed by the Indiana Minority Health Coalition. Provides for the certification of health care interpreters and health care translators.

**Effective:** July 1, 2004.

**Aguilera, Budak**

January 15, 2004, read first time and referred to Committee on Public Health.  
January 29, 2004, amended, reported — Do Pass.

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HB 1350—LS 7335/DI 14+



January 30, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1350

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-1.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2004]: **Sec. 1.5. "Accredited college or university", for purposes**  
4 **of IC 16-46-11.1, has the meaning set forth in IC 16-46-11.1-1.**

5 SECTION 2. IC 16-18-2-52 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 52. **(a)** "Certificate" or  
7 "certification", for purposes of IC 16-31, means authorization in written  
8 form issued by the Indiana emergency medical services commission to  
9 a person to furnish, operate, conduct, maintain, advertise, or otherwise  
10 engage in providing emergency medical services as a part of a regular  
11 course of doing business, either paid or voluntary.

12 **(b) "Certificate", for purposes of IC 16-46-11.1, has the**  
13 **meaning set forth in IC 16-46-11.1-2.**

14 **(c) "Certification", for purposes of IC 16-46-11.1, has the**  
15 **meaning set forth in IC 16-46-11.1-3.**

16 SECTION 3. IC 16-18-2-52.3 IS ADDED TO THE INDIANA  
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

HB 1350—LS 7335/DI 14+



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[EFFECTIVE JULY 1, 2004]: **Sec. 52.3. "Certified trainer", for purposes of IC 16-46-11.1, has the meaning set forth in IC 16-46-11.1-4.**

SECTION 4. IC 16-18-2-62 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 62. (a) "Commission", for purposes of IC 16-19-6, refers to the commission for special institutions.

(b) "Commission", for purposes of IC 16-31, refers to the Indiana emergency medical services commission.

(c) **"Commission", for purposes of IC 16-46-11.1, has the meaning set forth in IC 16-46-11.1-5.**

SECTION 5. IC 16-18-2-161.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 161.5. "Health care interpreter", for purposes of IC 16-46-11.1, has the meaning set forth in IC 16-46-11.1-8.**

SECTION 6. IC 16-18-2-163.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 163.5. "Health care translator", for purposes of IC 16-46-11.1, has the meaning set forth in IC 16-46-11.1-9.**

SECTION 7. IC 16-18-2-354.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 354.5. "Translation", for purposes of IC 16-46-11.1, has the meaning set forth in IC 16-46-11.1-10.**

SECTION 8. IC 16-46-11.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

**Chapter 11.1 Certification of Health Care Interpreters and Translators.**

**Sec. 1. For purposes of this chapter, "accredited college or university" means an educational institution that maintains standards to qualify graduates for professional practice as health care interpreters or translators.**

**Sec. 2. For purposes of this chapter, "certificate" refers to the document issued by the commission recognizing the privilege to work as a professional health care interpreter or translator in Indiana under this chapter.**

**Sec. 3. For purposes of this chapter, "certification" refers to the formal process under which the commission attests that an individual has the qualifications needed to perform the duties of a**

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1 health care interpreter or translator.

2 Sec. 4. For purposes of this chapter, "certified trainer" means  
3 a professional interpreter or translator with training and  
4 credentials to qualify the individual to train interpreters or  
5 translators.

6 Sec. 5. For purposes of this chapter, "commission" means the  
7 commission on health care interpreters and translators established  
8 by section 9 of this chapter.

9 Sec. 6. For purposes of this chapter, "health care interpreter"  
10 means a professional interpreter who works primarily in the field  
11 of health care facilitating the oral communication among a:

- 12 (1) provider;
- 13 (2) patient; and
- 14 (3) patient's family.

15 Sec. 7. For purposes of this chapter, "health care translator"  
16 means a professional translator who:

- 17 (1) works primarily in the field of health care; and
- 18 (2) specializes in the translation of written medical documents  
19 from one (1) language into another.

20 Sec. 8. For purposes of this chapter, "translation" means the  
21 conversion of a written text from one (1) language into a different  
22 language.

23 Sec. 8.5. This chapter does not require a health care provider (as  
24 defined in IC 16-18-2-163(a)) to use a health care interpreter or  
25 health care translator.

26 Sec. 9. The commission on health care interpreters and  
27 translators is established. The Indiana Minority Health Coalition,  
28 Inc., shall provide staff for the commission.

29 Sec. 10. (a) The commission consists of the following fourteen  
30 (14) members to be appointed by the state health commissioner:

- 31 (1) One (1) member representing the state department.
- 32 (2) One (1) member representing local health departments.
- 33 (3) One (1) member representing the medical profession.
- 34 (4) One (1) member representing institutions of higher  
35 education in Indiana.
- 36 (5) Two (2) members representing patient advocacy groups.
- 37 (6) One (1) member representing community organizations.
- 38 (7) One (1) member representing interpreter professional  
39 associations.
- 40 (8) One (1) member representing translator professional  
41 associations.
- 42 (9) One (1) member representing hospitals.

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(10) One (1) member representing the interagency state council on black and minority health.

(11) One (1) member representing the department of correction who is nominated by the commissioner of the department of correction.

(12) One (1) member representing the department of education who is nominated by the state superintendent of public instruction.

(13) One (1) member representing the office of Medicaid policy and planning who is nominated by the director of the office of Medicaid policy and planning.

The appointments made under this subsection must be made in a manner to maintain cultural and language diversity.

(b) The state health commissioner shall designate:

(1) one (1) member as chairperson of the commission; and

(2) one (1) member as vice chairperson of the commission.

(c) A member is appointed to a term of two (2) years or until a successor is appointed. A member may be reappointed to an unlimited number of terms.

(d) If a member:

(1) resigns;

(2) dies; or

(3) is removed from the commission;

before the expiration of the member's term, the state health commissioner shall appoint a new member to serve for the remainder of the term.

(e) The expenses of the commission shall be paid from funds appropriated to the Indiana Minority Health Coalition, Inc., for the minority health initiative.

(f) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure.

(h) The commission shall meet quarterly or on the call of the chairperson.

Sec. 11. The commission shall do the following:

(1) Write bylaws concerning the operation of the commission.

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- (2) Certify health care interpreters.
- (3) Certify health care translators.
- (4) Maintain a registry of health care interpreters and translators.
- (5) Adopt rules under IC 4-22-2 to implement this chapter, including rules to establish a process for handling complaints and grievances that comply with IC 4-21.5.
- (6) Set fees for certification that are not less than are required to pay all of the costs, direct and indirect, of the commission and operation of this chapter, including:
  - (A) the costs of the certification process;
  - (B) the costs of maintenance of the registry; and
  - (C) the general expenses of the commission.

**Sec. 12. An individual seeking certification as a health care interpreter or health care translator must:**

- (1) complete an application for certification;
- (2) pay the fees prescribed by the commission;
- (3) provide proof that the individual has not been convicted of a crime that has a direct bearing on the individual's ability to practice; and
- (4) provide proof that no disciplinary action has been taken against the individual by the:
  - (A) commission; or
  - (B) certification agency of another state or jurisdiction; concerning the individual's inability to safely and competently interpret or translate.

**Sec. 13. (a) The commission shall set qualifications for individuals seeking certification as a health care interpreter or health care translator, including the following:**

- (1) A combination of education and work experience, including:
  - (A) a bachelor's degree from an accredited college or university;
  - (B) an associate degree with at least three (3) years of work experience as a health care interpreter or health care translator; or
  - (C) a high school diploma with a minimum of five (5) years of work experience as a health care interpreter or health care translator.
- (2) One hundred (100) hours of training as a health care interpreter or health care translator, including a minimum of forty (40) hours of practicum or internship under the

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supervision of a certified trainer or at least five (5) years of professional experience.

(3) Three (3) notarized letters of recommendation, at least one (1) of which must be from a health care professional.

(4) Successful completion of the written and oral testing examination developed by the commission.

(5) A limited criminal history check from the Indiana central repository for criminal history information under IC 10-13-3 or another source allowed by law.

(6) Proof of financial liability insurance or other coverage as determined by the commission.

(b) The commission may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for certification.

Sec. 14. (a) The commission shall issue a certificate as a health care interpreter or health care translator to an individual who has met the application and testing requirements under section 13 of this chapter.

(b) The commission shall issue an identification card to each individual who is certified as a health care interpreter or health care translator.

Sec. 15. The commission shall develop procedures to recognize certification of health care translators and health care interpreters from other states.

Sec. 16. (a) A certificate issued under this chapter is valid for twelve (12) months after the date of issuance.

(b) A certificate must be renewed within thirty (30) days after the date of expiration. The commission shall establish a late fee for failure to renew within the deadline.

(c) The commission shall establish procedures for the renewal of a certificate under this chapter, which must include the following:

(1) An application.

(2) A fee.

(3) Proof that the individual is in good standing, without any disciplinary action pending with the commission.

(4) Proof of successful completion of at least twenty (20) hours of continuing education in programs recognized by the commission under section 18 of this chapter, including programs concerning:

(A) techniques of interpreting or translating;

(B) cultural competency; and

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(C) medically focused training.

Sec. 17. The commission shall maintain a state registry of certified health care interpreters and certified health care translators. The registry must contain:

- (1) the names of persons who are certified as health care interpreters or health care translators under this chapter;
- (2) the date on which each certificate was issued;
- (3) the expiration date of each certification; and
- (4) other information that the commission requires.

Sec. 18. (a) The commission shall adopt continuing education requirements, which must include:

(1) educational programs presented by:

- (A) state;
- (B) scientific;
- (C) academic; and
- (D) professional;

organizations;

(2) university courses taken beyond initial certification, when the course content pertains to the practice of health care interpretation or translation; or

(3) lectures or workshops, if the lecture or workshop is relevant to the practice of interpreting or translating in health care.

(b) The commission shall adopt standards for self-study continuing education, which must include the use of:

- (1) journals and books;
- (2) audiotapes;
- (3) films and videotapes;
- (4) meetings with other professionals; and
- (5) writing articles for publication;

if the learning experience derived pertains to the practice of interpreting or translating in health care. Not more than three (3) hours of the continuing education requirement may be satisfied through self-study.

Sec. 19. The commission shall adopt a code of ethics for persons certified as health care translators and health care interpreters. The code of ethics must include the following:

- (1) In accepting an assignment, a health care interpreter or health care translator must consider the skill level of the subject matter of the health issues involved to ensure that the consumers are best served.
- (2) Compensation shall be set using accepted business

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practices.

(3) Health care interpreters and health care translators shall refrain from requesting:

(A) tips;

(B) gifts; or

(C) other favors;

from the consumers of services.

(4) The health care interpreter or health care translator shall render the interpretation or translation faithfully, conveying the content and spirit of the original message and the intent of the communicator. Everything said should be interpreted without:

(A) additions;

(B) deletions;

(C) alterations; or

(D) any other changes.

(5) Health care interpreters and health care translators shall maintain strict confidentiality of any information learned. Unless specified by law, the health care interpreter or health care translator shall refrain from disclosing patient information to any party not involved in the interpretation or translation.

(6) Health care interpreters and health care translators shall avoid conflicts of interest and shall reveal any potential conflict to all parties involved. Health care interpreters and health care translators shall refrain from becoming personally involved with the parties for whom they are interpreting or translating.

(7) Health care interpreters and health care translators shall develop awareness of the cultures of the parties for whom they are interpreting and translating to foster cross-cultural understanding.

(8) Messages shall be transmitted impartially and without personal advice, counsel, or opinions of the health care interpreter or health care translator. Health care interpreters and health care translators shall refrain from projecting:

(A) personal biases;

(B) beliefs; or

(C) judgments;

and remain neutral.

(9) Health care interpreters and health care translators shall display manners and behaviors that are suitable to the specific

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1 circumstances, showing respect and supporting respectful  
 2 interactions. Health care interpreters and health care  
 3 translators must be aware of any dress codes or levels of  
 4 formality expected by the parties.

5 (10) If a health care interpreter or health care translator  
 6 believes that an error was made during the interpretation or  
 7 translation, the health care interpreter or health care  
 8 translator shall make the error known to the parties  
 9 immediately and provide necessary corrective interpretations  
 10 or translations.

11 Sec. 20. An individual may not use the title or designation  
 12 "certified health care interpreter", "certified health care  
 13 translator", "certified interpreter", or "certified translator",  
 14 indicating that the individual is a certified health care interpreter  
 15 or certified health care translator, unless the individual holds a  
 16 valid certificate issued under this chapter.

17 SECTION 9. [EFFECTIVE JULY 1, 2004] (a) The initial terms of  
 18 office of the nine (9) individuals initially appointed to the  
 19 commission on health care interpreters and translators under  
 20 IC 16-16-11.1-10 are as follows:

21 (1) Four (4) members for a term of one (1) year; and

22 (2) Five (5) members for a term of two (2) years.

23 The state health commissioner shall designate the term of office of  
 24 each individual initially appointed to the commission.

25 (b) This SECTION expires June 30, 2005.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1350, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 22 and 23, begin a new paragraph and insert:

**"Sec. 8.5. This chapter does not require a health care provider (as defined in IC 16-18-2-163(a)) to use a health care interpreter or health care translator."**

Page 3, line 24, delete "state department" and insert **"Indiana Minority Health Coalition, Inc.,"**

Page 3, line 26, delete "nine (9)" and insert **"fourteen (14)"**.

Page 3, between lines 38 and 39, begin a new line block indented and insert:

**"(9) One (1) member representing hospitals.**

**(10) One (1) member representing the interagency state council on black and minority health.**

**(11) One (1) member representing the department of correction who is nominated by the commissioner of the department of correction.**

**(12) One (1) member representing the department of education who is nominated by the state superintendent of public instruction.**

**(13) One (1) member representing the office of Medicaid policy and planning who is nominated by the director of the office of Medicaid policy and planning.**

**The appointments made under this subsection must be made in a manner to maintain cultural and language diversity."**

Page 4, line 11, delete "state department for operation of the" and insert **"Indiana Minority Health Coalition, Inc., for the minority health initiative."**

Page 4, delete lines 12 through 20.

Page 4, line 21, delete "(g)" and insert **"(f)"**.

Page 4, line 27, delete "(h)" and insert **"(g)"**.

Page 4, line 30, delete "(i)" and insert **"(h)"**.

Page 4, line 41, delete "sufficient to cover" and insert **"not less than are required to pay all of"**.

Page 4, line 42, after "costs" insert **", direct and indirect,"**.

Page 4, line 42, after "commission" insert **"and operation of this chapter"**.

Page 5, line 17, after "Sec. 13." insert **"(a)"**.

Page 6, between lines 1 and 2, begin a new paragraph and insert:

**HB 1350—LS 7335/DI 14+**



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**"(b) The commission may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for certification."**

and when so amended that said bill do pass.

(Reference is to HB 1350 as introduced.)

BROWN C, Chair

Committee Vote: yeas 11, nays 0.

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